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STATE ALSO PLEASE PASS USAID/DCHA/OFDA
USAID FOR ANE/AA GORDON WEST AND JIM BEVER
MANILA FOR USAID/DCHA/OFDA
LONDON FOR POL/REIDEL
TREASURY FOR GENERAL COUNSEL/DAUFHAUSER AND DAS JZARATE
TREASURY ALSO FOR OFAC/RNEWCOMB AND TASK FORCE ON TERRORIST
FINANCING
JUSTICE FOR OFFICE OF THE DEPUTY ATTORNEY GENERAL/DLAUFMAN

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SUBJECT: UPDATE ON NEPAL'S MAOIST INSURGENCY, FEB 8-14

REFERENCE: (A) 01 KATHMANDU 2274

(B) KATHMANDU 0140

SUMMARY

1. No date has been set yet for the start of a formal peace dialogue. Several international organizations are offering help in mediating the process. Maoist leader Prachanda has warned that if the peace talks fail, Nepal would suffer a major catastrophe, while the student wing of the Maoists has threatened more high-profile killings and mass murder if the Government of Nepal is not serious about the ceasefire. Nepal's political parties have demanded that the details of the ongoing peace talks be made public and include all parties. Amnesty International (AI), the National Human Rights Commission (NHRC), and local non-governmental organizations want human rights to be a priority of the peace talks, while victims of the insurgency, women's and children's groups, and Dalits all demand representation at the peace talks as well. NHRC has prepared a draft code of conduct to be followed during the ceasefire and is awaiting responses from the Maoists and GON.

2. Summary continued. Three journalists were released from detention on orders of the Supreme Court. Imprisoned Maoists awaiting release staged protest demonstrations against the GON. Security forces arrested suspected Maoists in Doti, Kailali and Nawalparasi districts. Maoists remain armed and reportedly are holding mass meetings and conducting combat training. The Maoists reportedly are also smuggling in weapons and ammunition from India. The insurgents continue to extort money from civilians and have abducted two brothers from their village. The dead body of a man abducted by the Maoists was discovered earlier this week. Children's rights activists have demanded that the Maoists release all abducted children before proceeding with peace talks, and that the GON implement plans to rehabilitate children affected by the insurgency. End Summary

SLOW MOVEMENT TOWARD PEACE TALKS,
INTERNATIONAL HELP OFFERED

3. No date has been set for peace talks between the Government of Nepal (GON) and Maoist insurgents. Prime Minister Lokendra Bahadur Chand said the GON sent a letter to the Maoists proposing the monarch as focal point of the peace talks and was awaiting their response. Chand said that although the GON had conceded to several other demands by the Maoists, it had turned down a request to revoke the Terrorist and Disruptive Activities Act. Chand also denied accusations by political parties that the ceasefire was put together hastily and was intended to exclude the parties.

4. The Nepal branch of Amnesty International has requested that the GON seek international help to monitor the peace talks. According to one of the human rights activists present at a meeting with Prime Minister Chand, the Prime Minister reacted positively to the idea, calling it a good suggestion. Several other international organizations have offered to help with mediation, including the International Red Cross and the United Nations, as well as the Government of Norway.

5. The high-profile Carter Center reportedly is ready to assist with the peace talks, if both sides are receptive. A local NGO is preparing to invite the former President to attend a conference, for members of civil society, about the peace process. The event will be held in Kathmandu.

WARNINGS AND THREATS IF PEACE TALKS FAIL

16. Pushpa Kamal Dahal (AKA Prachanda), leader of the Maoists, warned that if peace talks fail this time, Nepal would suffer a "major catastrophe," which some have interpreted to mean unprecedented bloodshed. According to press reports, Prachanda said that the Maoists are committed to the ceasefire, and warned political parties not to repeat past mistakes of infighting and indifference. In a statement released on February 13, the anniversary of the so-called "People's War," Prachanda declared the ceasefire a "strategic balancing act" and a "continuation of the war by other means."

17. Prachanda warned against any conspiracies, hatched by the "outgoing regime and the imperialist and expansionist forces," declaring that his army was ready to go back to the jungle with "guns in hand." The Maoists have said that in order for peace talks to succeed, all parties involved must be serious about and committed to the peace process; the Government of Nepal (GON) needs to make public the names and whereabouts of imprisoned or missing suspected Maoists; the army must suspend all operations and return to its barracks, and a code of conduct must be established.

18. The All-Nepal National Independent Students Union--Revolutionary (ANNISU-R) has threatened the GON with unprecedented violence if it is not serious about the ceasefire. Dipendra Panta, chairman of ANNISU-R, speaking at a mass meeting commemorating the anniversary of the People's War, warned that the brutal attacks in Dang and Syangja (Ref A) could be repeated in other places at any time. The militants also made reference to the vicious murders of Krishna Mohan Shrestha, Chief of the Armed Police Force (Ref B), threatening that new tactics targeting high officials could be implemented, and the ceasefire could turn into the "drama before mass murder."

POLITICAL PARTIES REACT TO CEASEFIRE -----

19. Amik Sherchan, leader of the People's Front Nepal (PFN), told the press that Maoist leader Prachanda met with a special emissary of the King before the ceasefire was announced. Sherchan claimed that Prachanda told him of the meeting and that the Maoists agreed to the ceasefire as proposed by the emissary. Sherchan stressed the need to have all political parties involved in the peace process, saying that only a "united movement" can solve current national problems.

10. Jog Mehar, a central member of the Rastriya Prajatantra Party (RPP), warned that the Maoists might use the ceasefire to regroup. Mehar reiterated that a code of conduct must be established for the duration of the ceasefire and peace talks. Mehar, speaking at the Reporter's Club, also ridiculed the idea of an all-party round table conference, one of the Maoists' main demands.

11. Madhav Kumar Nepal, General Secretary of the Communist Party of Nepal-United Marxist Leninist (CPN-UML) said that the GON should not rush into peace talks. Nepal admitted talking to Maoist leader Prachanda by phone, but denied any secret agreements between the two. Nepal, speaking at a

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press conference, said both sides should do their homework before sitting at the negotiating table or the talks would fail again. Nepal said that the agenda must be defined clearly and also asked the GON to rehabilitate those who had been displaced by the insurgency. Nepal also demanded that the details of the peace talks be made public, citing concern that political parties are not being consulted. In addition to the CPN-UML, the Rastriya Prajatantra Party (RPP), Nepali Congress (Democratic), and Nepal Sadbhavana Party (NSP) also have insisted that the details of the peace dialogue be made public. The parties said the confusing and uncertain atmosphere surrounding the talks must end.

12. Narayan Man Bijukchhe, President of Nepal Workers and Peasants' Party (NWPP), criticized the GON for accepting too many of the demands made by the Maoists. Bijukchhe called it humiliating and said the GON was conceding too much too soon. He lambasted the Maoists' demands for space and time in the media, and their call for military withdrawal. Bijukchhe expressed doubts over the GON's ability to bring the Maoists to the negotiating table.

13. The United Kingdom and Switzerland have both pledged continued support to Nepal and called on the GON and all parties involved in the ceasefire to agree on a common vision for Nepal to make the ceasefire permanent. Keith Bloomfield, the British Ambassador to Nepal, pledged continued support to Nepal, including strengthening of security forces, while Walter Fust, the Director General of the Swiss Agency for Development and Cooperation (SDC), in a recent visit to Nepal, said the Swiss too would continue their aid programs in Nepal.

MAOISTS HOLD MEETINGS, TAKE UP ARMS

14. In Khotang District, armed insurgents have been holding mass meetings that students, teachers and local villagers are being forced to attend. According to the villagers, the Maoists expressed anger about the GON's failure so far to announce a negotiating team, and said that if the GON failed to meet the Maoists' conditions, there would be no other option than to take up arms again. The insurgents reportedly have launched combat training exercises in the district, with as many as 5,000 people participating.

15. A CPN-UML activist in Nepalgunj District has reported that Maoists have stepped up extortion campaigns throughout the district. They also have taken up arms and are conducting mass meetings, proclaiming that the insurgents have won the struggle with the GON. There are also reports from the district that the Maoists are bringing in ammunition and weapons from India.

16. Journalists from the local press visited Jumla District, one of the areas hardest hit by the Maoist insurgency, and reported that the militants are still armed and ready to fight again should the peace talks fail. Over one hundred insurgents carrying weapons were observed, many of whom were children. Insurgents in the area were quoted as saying that if the government tried to trick the Maoists, they would re-launch their violent campaign and it would be more severe than last time.

SECURITY FORCES ARREST MAOISTS

17. Security forces reportedly arrested three Maoists, including the regional leader, in Nawalparasi District on February 8. Area police denied any knowledge of the arrests. Maoists have been organizing daily public meetings throughout the district.

18. In Doti District, three Maoists also were arrested by security forces after they were seen carrying arms and explosives. Security forces also arrested twelve Maoists returning from a mass gathering in Kailali District who were openly walking with guns.

PRIORITY FOR HUMAN RIGHTS AND REPRESENTATION

19. The National Human Rights Commission (NHRC) is awaiting responses from the GON and the Maoists to its proposed code of conduct for the ceasefire. The six-point draft, which was sent to both the GON and Maoist leader Prachanda, calls for an immediate stop to nationwide extortion, kidnapping and violence perpetrated by the Maoists. The draft also asks the GON to order the army back to its barracks and revoke the Terrorist and Disruptive Activities Act. The NHRC has also advised both sides to form groups to monitor and observe adherence to the code of conduct.

20. Amnesty International (AI) demanded that human rights be given top priority in the upcoming peace talks. In its recent meeting of the Nepal branch, AI requested that the GON and the Maoists stop all abductions, killings, torture, curfews and search and destroy missions. AI also called for the implementation of a program to rehabilitate children used as soldiers in the Maoist insurgency, and called for the release of all people arrested under the Terrorist and Destructive Control Act.

21. Human rights organizations in Nepal are urging the United Nations Human Rights Commission (UNHRC) to appoint a special investigator for Nepal to investigate cases of human rights violations during the period from February 1996 to January 2003. The groups want representation for women, children, and indigenous people in the peace talks, and have appealed to the Maoists to stop extorting funds, kidnapping people, disrupting education, and to release all child soldiers. According to a report compiled by local non-governmental organizations, children comprise thirty percent of the Maoists' fighting force.

22. Child Rights Watch-Nepal (CRW-N), a newly formed organization comprised of local children's rights groups, has demanded that the peace talks focus on rehabilitating children affected by the insurgency. In its annual report, Child Workers in Nepal (CWIN) said thousands of children had been orphaned and displaced as a result of the insurgency. CRW-N is insisting that the GON makes issues facing these children a priority of the peace talks.

23. In addition, the human rights groups want the GON and Maoists to make public the names of missing civilians. According to a report prepared by the organizations, twenty-eight people have disappeared from the mid-western district

of Rukum and are presumed dead. The groups are calling for compensation to the families and investigations into the disappearances.

124. In a report released on February 13, the National Dalit Commission claims that the violence, murder, arrests and disappearances that have occurred during the Maoist insurgency have largely affected the Dalit (low caste) community. The report says that almost 200 members of the Dalit community have been killed in the Maoist affected districts of Dang, Bardiya, Kailali and Jumla by security forces and thirty-two others were killed by Maoists. The commission wants representation in the peace talks, accusing the GON and the Maoists of sidelining their concerns, and have warned of grave consequences if they are not included in the peace talks.

125. Victims of the Maoist insurgency are also demanding that attention be given to their plight. K. P. Adhikare, Chairman of the Society For Victims of Terror, said that the victims of the insurgency are the ones who have lost the most and deserve to be represented in the talks. Many of the victims and their families are still awaiting compensation from the GON, which they claim has never been distributed.

IMPRISONED MAOISTS WAIT FOR RELEASE, PROTEST AGAINST GON

126. The Home Ministry has said it would not immediately release imprisoned Maoists. According to press reports, Prime Minister Lokendra Bahadur Chand had previously reassured Narayan Singh Pun, Minister of Physical Planning and Works and government-appointed peace talks coordinator, that he would order the release of all detained Maoists. Pun reportedly has been under pressure to ask the King to grant a general amnesty to all imprisoned insurgents, as a precondition for peace talks.

127. On February 12, Minister Pun was called to the Central Jail in Kathmandu, when prisoners began demonstrating against the GON, shouting anti-government slogans and demanding their release. Prisoner Rabindra Shrestha, a central member of the Maoist party, said that the ceasefire would be called off if their demands were not met, and threatened the GON with a strike within the prison if the Maoists were not set free. Pun told the prisoners that he would take the matter up with the Prime Minister and the Home Minister.

128. Prisoners in Nakkhua Jail also demonstrated against the GON on February 10, accusing it of not being serious about peace talks and ignoring the demands of the Maoists. The protests began after attempts were made to re-arrest a prisoner shortly after the District Administration Office ordered his release. Minister Pun was called to the prison and was handed a letter by the prisoners demanding the release of all imprisoned Maoists before peace talks can begin.

129. The local press has reported that some prisoners have been released, but are refusing to leave jail for fear of being re-arrested. As many as eleven prisoners were given release orders from the Central Jail in Kathmandu, but refused to leave. The prisoners are demanding that human rights representatives be present at their release. Maoists are warning that the prison issues could disrupt the ceasefire.

130. According to the Siraha District Administration Office, fifteen suspected Maoists were released from jail in Siraha District on February 11. Thirty-one people still remain in jail on suspicion of being Maoists. In Banke District seven Maoist activists were released on February 12.

JOURNALISTS RELEASED FROM PRISON

131. Following orders from the Supreme Court, the GON released three journalists from the Central Jail in Kathmandu. Two of the journalists worked for Janadisha, a pro-Maoist newspaper. The journalists were arrested under the Terrorist and Disruptive Activities Act, after the imposition of the State of Emergency in November 2001. The Federation of Nepalese Journalists praised the release and demanded that the remaining detained journalists be released as well.

132. According to the Centre For Human Rights and Democratic Studies, there are at least fifteen journalists who remain in jail on charges of being sympathetic to the Maoists. Gopendra Pandey, Home Ministry spokesman, said there was no time frame for when the rest of the journalists would be freed. Media organizations have called the arrests of journalists an indication of the deterioration of press freedom in Nepal.

CEASEFIRE DOESN'T STOP EXTORTION AND KIDNAPPING

133. There are reports from Ilam, Dang, Baglung and Sindhuli Districts of increased extortion efforts by the Maoists. Police arrested four Maoists in southwestern Dang District on charges of extorting money from villagers. Police recovered cash and donation receipts from the insurgents. Local press from eastern Ilam District and Sindhuli District also report that Maoists are going house-to-house, extorting money from everyone. The insurgents reportedly claim that all their activities are to continue as normal, despite the ceasefire. In northwestern Baglung District, the insurgents are demanding food, grain and cash from villagers.

134. In western Surkhet District, Maoists reportedly have abducted two brothers, whose whereabouts remain unknown. The insurgents have also stepped up their demands for donations from businessmen and teachers.

135. The body of a man abducted from Dang District almost a month ago by Maoists was discovered on February 11. Maoists sent a letter to the man's father on February 7, declaring that his son was killed for being an informant for security forces.

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